

**Continuance of A-6233 (Variance Request)**  
**Mr. and Mrs. Steven Sprenger,**  
**5501 Park Street**

Construct two (2) treads that would encroach one foot, eight inches (1'-8") forward of the twenty-five (25) foot front (Park Street) building restriction line.

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**CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
DECEMBER 10, 2012 MEETING**

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**STAFF INFORMATION REPORT**

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**TO:** BOARD OF MANAGERS  
**FROM:** ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR  
**DATE:** 12/6/2012  
**SUBJECT:** CONTINUANCE OF APPEAL CASE NO. A-6233 VARIANCE REQUEST  
MR. & MRS. STEVEN SPRENGER, 5501 PARK STREET  
CONSTRUCT TWO (2) TREADS THAT WOULD ENCROACH ONE FOOT, EIGHT INCHES (1'-8")  
FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT (PARK STREET) BUILDING RESTRICTION  
LINE. PROPOSED ENCROACHMENT REDUCED EFFECTIVE 12/5/2012.

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**NOTICE REQUIREMENTS:** Abutting Owners; Public Notice

**APPLICABLE CHEVY CHASE BUILDING REGULATION:**

**The Chevy Chase Village Code § 8-17 (c) states:**

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

**APPLICABLE COVENANTS:**

"That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises and that no stable, carriage house, shed or out-building shall be erected except on the rear of said premises."

**FACTUAL AND BACKGROUND INFORMATION:**

This case was initially heard at the November 13, 2012 Board meeting. At that meeting, the Board deferred action on this application until further information could be supplied. Specifically, the Board requested information from Counsel regarding similar precedents in light of covenant restrictions applicable to the property.

Counsel rendered an Opinion (Attachment "A" following) which was incorporated into a letter sent to the architect and Applicants (Attachment "B" following).

Staff has supplied a plan and available plats for the 5500 block of Park Street (Attachment "C" following).

On December 5, 2012 the architect for the Applicants submitted:

- a modified plan for the steps. The number of treads has been reduced from three (3) to two (2) and the encroachment into the front setback has been reduced to one foot, eight inches (1'-8");
- a statement supporting the modified request; and
- an updated Application for a Variance.

At its November 13, 2012 meeting, the Board considered a special permit request filed by the Applicants to widen the driveway on private property. That request, Case A-6234, was granted.

**From the Previous Information Report:**

The Applicants obtained a building permit (#6161) in June of 2012 to construct a rear addition and a new front foyer, stoop and portico.

The stoop in that application was depicted and constructed to almost align with the twenty-five (25) foot front setback line. The steps on that approved plan were depicted as descending to the side of the stoop, towards the driveway and would not encroach forward of the front building restriction line.

As part of a subsequent landscaping project for the front yard, the Applicants then submitted an application for the proposed steps constructed to the front (Park Street and north) of the recently constructed stoop, descending towards the street. These proposed steps would encroach two feet, seven inches forward of the front (Park Street) twenty-five (25) foot building restriction line and front covenant setback line. Accordingly a variance was requested.



Figure 1: View of the front stoop and portico prior to the foyer, stoop and portico addition.



Figure 2: View of the newly constructed foyer, stoop and portico.



Other features of the proposed landscape project include replacing the existing front walkway in approximately the same location as existing; constructing a new walkway which will curve from the proposed front steps to the driveway; constructing a new pair of low walls along each side of a new landing at grade at the base of the proposed steps; and widening the driveway (Case A-6234 (a) which was approved at the November 13 Board meeting).

Previous requests for variances from Section 8-17(c) have typically been for expansion of existing encroachments or modifications to existing steps in order to meet current Code or safety concerns which then create an encroachment. In this instance, the proposed new additional steps create a front building restriction line and covenant front setback encroachment where none existed previously.

In previous cases involving covenant setbacks, the Board has found that the covenants were not enforceable either because:

- a) the uncovered steps and stoops were constructed at the time that the covenants applicable to the property were placed, or shortly thereafter, so it was presumed that the covenant authors did not intend those protrusions to be classified as "structures" for the purposes of the covenants; or
- b) the covenant authors did not intend certain uncovered steps and stoops to be deemed "structures" for the purposes of the front covenant setback, where such uncovered steps and stoops are installed as a matter of necessity to address the change in elevation from the ground to the entrance of a house and which steps and stoops are the minimum necessary to provide reasonable access.

There are no tree protection issues regarding the construction of the front steps. Tree protection already in place for the ongoing work would remain in place throughout the construction of the proposed front steps and front walkway.

To date there have been no letters received from abutting or confronting neighbors regarding the project.

Applicable Fees: Variance Application Fee: \$300.00

#### RELEVANT PRECEDENTS:

This case differs from precedents cited in other recent stoop and step variance requests in that the proposed additional steps would create the encroachment forward of the applicable front building restriction line and covenant front setback line. Thus there are no strictly comparable precedents solely for new steps. Recent precedents for stoops and steps that encroach forward of the twenty-five (25) foot front building restriction line include:

In May 2005 Mr. & Mrs. Justin Bausch of 12 East Lenox Street were granted a variance to **extend** the uncovered steps leading to the front porch. In the Bausch case the covenants were worded to prohibit "any stable, carriage houses or shed" forward of the twenty-five (25) foot front building restriction line, rather than the more standard language prohibiting "structure[s] of any description" forward of that setback. In December of 2010, Mr. & Mrs. Robert Maruszewski of 127 Grafton Street were granted a variance to **enlarge** a non-conforming stoop which would encroach five feet, six inches (5'-6") forward of the twenty-five (25) foot front building restriction and covenant setback line, an additional two feet, eleven inches (2'-11") farther than the existing stoop. In December 2010, Mr. Gregory L. Dixon and Ms. Susan F. Dixon, Co-Trustees of the Gregory L. Dixon Revocable Trust and the Susan F. Dixon Revocable Trust, of 5500 Montgomery Street, were granted a variance to **expand** their front stoop that would extend three (3) feet forward of the twenty-five (25) foot front building restriction and covenant setback line. In January of 2011, Case A-5854, Joanne Kyros



and Thomas Schaufelberger of 135 Grafton Street were granted a variance to **enlarge** an existing non-conforming stoop with steps and construct three (3) treads that would encroach five (5) feet forward of the twenty-five (25) foot front building restriction and covenant setback line, an additional two (2) inches farther than the existing treads. In February of 2012, Mr. & Mrs. Andrew Marino, of 11 Primrose Street, were granted a variance to **relocate and construct** non-conforming front steps, leading to a porch, both of which were forward of the twenty-five (25) foot front building restriction and covenant setback line. The proposed steps would encroach twelve feet, eight inches (12'-8") in front of this twenty-five (25) foot front setback line, an additional ten (10) inches beyond the existing steps. In April of 2012 Mr. & Mrs. D. Blake Bath were granted a variance to **reconstruct** the front steps and add an additional step leading from the front walkway to the front porch forward of the twenty-five (25) foot front building restriction and covenant setback line. In May of 2012 Dr. & Mrs. Charles Bahn of 118 Hesketh Street were granted a variance to **reconstruct** the front steps from the front walkway to the front porch, adding one tread, a portion of which would be located forward of the twenty-five (25) foot front building restriction and covenant setback line. In June of 2012, Mr. & Mrs. Jeffrey Shuren were granted a variance to **reconstruct** steps that would extend an additional one foot, one inch (1'-1") beyond the existing steps for a maximum encroachment of six feet, eight inches (6'- 8") forward of the twenty-five (25) foot front building restriction line.

**FINDINGS REQUIRED:**

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22, 8-26 or Article IV of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

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**Draft Motion**

I move to direct staff to draft a decision **APPROVING/DENYING** the variance request in case A-6233, based on the findings that ...

**Attachments:**

- A: Opinion from Counsel
- B: Letter to Applicants
- C: Block Plan and Plats

**CHEVY CHASE VILLAGE  
NOTICE OF PUBLIC HEARING**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 10<sup>th</sup> day of December, 2012 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6233-continued  
MR. & MRS. STEVEN SPRENGER  
5501 PARK STREET  
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to construct three treads that would encroach two feet, seven inches (2'-7") forward of the twenty-five (25) foot front (Park Street) building restriction line.

**The Chevy Chase Village Code § 8-17 (c) states:**

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 29<sup>th</sup> day of November, 2012.

**Chevy Chase Village Office  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
301-654-7300**

**Attachment B:**  
**Hearing Follow Up Letter**  
**to the Architect and Applicants**



# CHEVY CHASE VILLAGE

ESTABLISHED 1890

November 29, 2012

Mr. Michael Bruckwick  
Katinas Bruckwick Architecture  
4520 East-West Highway, suite 430  
Bethesda, MD 20814

**RE:** Case A-6233 Variance Request  
Mr. & Mrs. Steven Sprenger  
5501 Park Street  
Chevy Chase, MD 20815

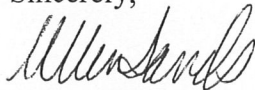
Dear Mr. Bruckwick:

At the recent hearing of the above-referenced case, the Board directed Village Counsel to assess whether the variance request could be granted under the limited exception the Board previously established for certain stoops. Based on the analysis provided, the pending application violates the 25 foot front setback imposed by the covenants.

The applicants may, however, present additional evidence to show why the covenant should not apply in this case. For example, if the applicants can demonstrate that most of the other steps on the block also encroach into the setback they may argue that the covenants ought not to be enforced on their property for that encroachment. If, for example, 9 out of 10 lots on a block have similarly encroaching front-entry steps, the covenant may not apply on that block, as to front-entry steps proposed for the 10th house. This is a case-by-case analysis that is dependent on many facts.

It is the applicants' burden to prove, under Section 8-11(c)(3) of the Village Code, that the proposed variance would not violate any covenant applicable to the property. Any written materials in support of this request should be submitted by December 5 for inclusion in the Board briefing materials for the Board's consideration at the December 10 hearing. Please contact me if you have any questions regarding the continuance of the application.

Sincerely,



Ellen Sands  
Permitting & Code Enforcement Coordinator  
Chevy Chase Village

## CHEVY CHASE VILLAGE

5906 Connecticut Avenue  
Chevy Chase, Maryland 20815

Phone (301) 654-7300

(301) 907-9721

[montgomerycountymd.gov](mailto:montgomerycountymd.gov)  
[chevychasevillagemd.gov](http://chevychasevillagemd.gov)

## BOARD OF MANAGERS

PATRICIA S. BAPTISTE  
*Chair*

PETER T. KILBORN  
*Vice Chair*

RICHARD M. RUDA  
*Secretary*

THOMAS H. JACKSON  
*Assistant Secretary*

GARY CROCKETT  
*Treasurer*

MICHAEL L. DINGER  
*Assistant Treasurer*

DAVID L. WINSTEAD  
*Board Member*

VILLAGE MANAGER  
SHANA R. DAVIS-COOK

**Attachment C:**  
**Block Plan and Available Plats**  
**of Park Street**

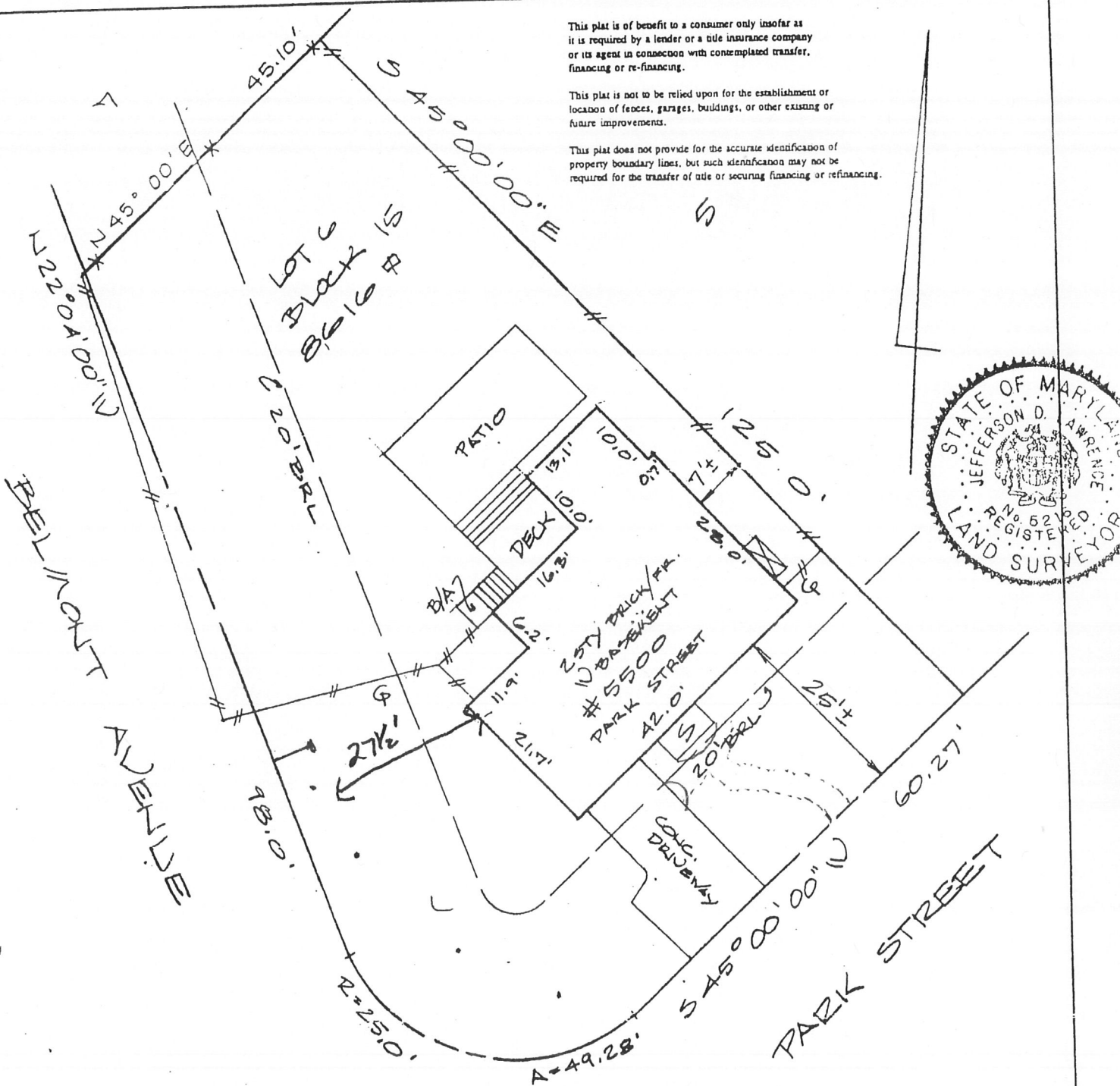




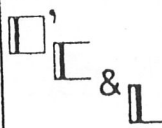
This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.

This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.

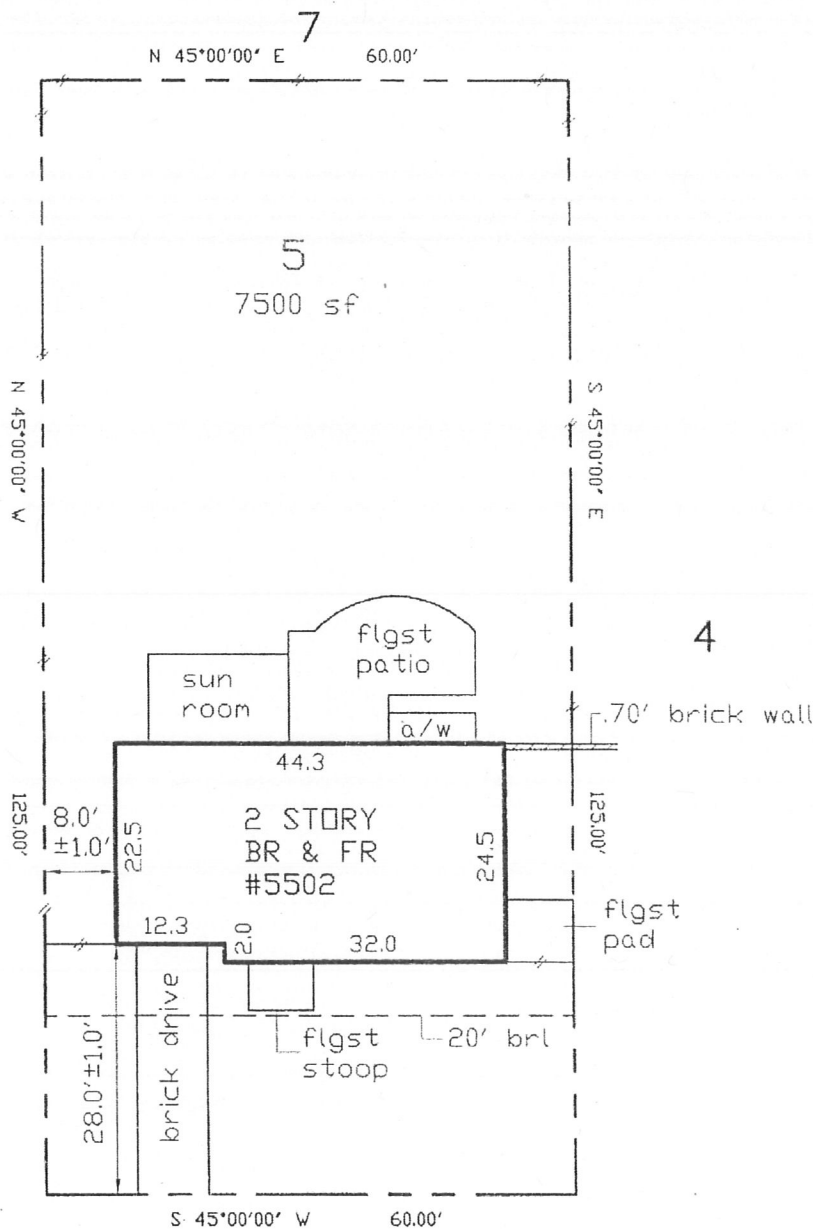
This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.



Property shown hereon is not in a flood plain per existing records unless otherwise noted.

 <p><b>O'CONNELL &amp; LAWRENCE, INC.</b> SURVEYORS, ENGINEERS &amp; LAND PLANNERS 17904 Georgia Avenue, Suite 302 Olney Maryland 20832 (301) 924-4570 Fax (301) 924-5872</p>	<p><b>HOUSE LOCATION</b> LOT 6 BLOCK 15 SECTION 1-A CHEVY CHASE PLAT BOOK 4 PLAT: 349 MONTGOMERY CO. MARYLAND</p>	
<p><b>SURVEYOR'S CERTIFICATION</b></p> <p>I hereby certify to the best of my knowledge and belief that the property delineated hereon is in accordance with the Plat of Subdivision and/or deed of record, that the improvements were located by accepted field practices and include permanent visible structure and encroachments, if any. This Plat is not for determining property lines, but prepared for the exclusive use of present owners of property and also those who purchase, mortgage, or guarantee the title thereto, within six months from the date hereof, and as to them I warrant the accuracy of this Plat. No title report furnished.</p> <p>NOTE: EXISTENCE OF PROPERTY CORNERS NOT GUARANTEED BY THIS PLAT. DO NOT ATTEMPT TO ERECT FENCES FROM INFORMATION CONTAINED ON THIS DRAWING.</p> <p><i>Jefferson D. Lawrence</i> Md. Reg. Professional Land Surveyor • Jefferson D. Lawrence</p>		<p>Job No 620-75</p> <p>Scale 1" = 20'</p> <p>DATES</p> <p>Wall Ck</p> <p>Final Loc 3/15/95</p> <p>Recrt</p>

950233



No evidence of property corners was found.  
Apparent occupation is shown.

PARK STREET

Date: 5-27-09  
Plat Book: 4  
Plat No.: 349  
Work Order: 09-1669  
Address: 5502 PARK STREET  
District: 7  
Jurisdiction: MONTGOMERY COUNTY, MD

Scale: 1" = 20' Dmn: R.C.d.  
NO TITLE REPORT FURNISHED

#### Surveyor's Certification

I hereby certify that the survey shown hereon is correct to the best of my knowledge and that, unless noted otherwise, it has been prepared utilizing description of record. This survey is not a boundary survey and the location or existence of property corners is neither guaranteed nor implied. Fence lines, if shown, are approximate in location. Building restriction lines shown are as per available information and are subject to the interpretation of the originator.

LOCATION DRAWING  
LOT 5, BLOCK 15  
SECTION 1-A, CHEVY CHASE

NOTE: This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.



Meridian Surveys, Inc.  
811 Russell Avenue  
Suite #303  
Gaithersburg, MD 20879  
(301) 721-9400

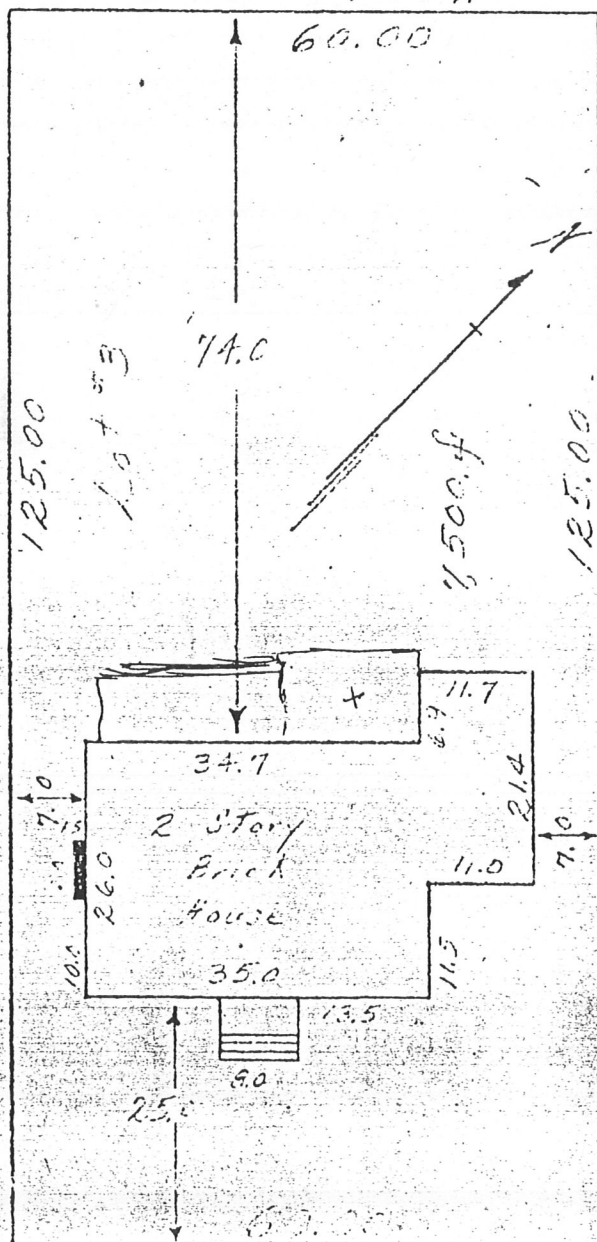
WISCONSIN 8978

WISCONSIN 4845

Sept. 13, 1948

DATE 7/31/73 BY Comptroller

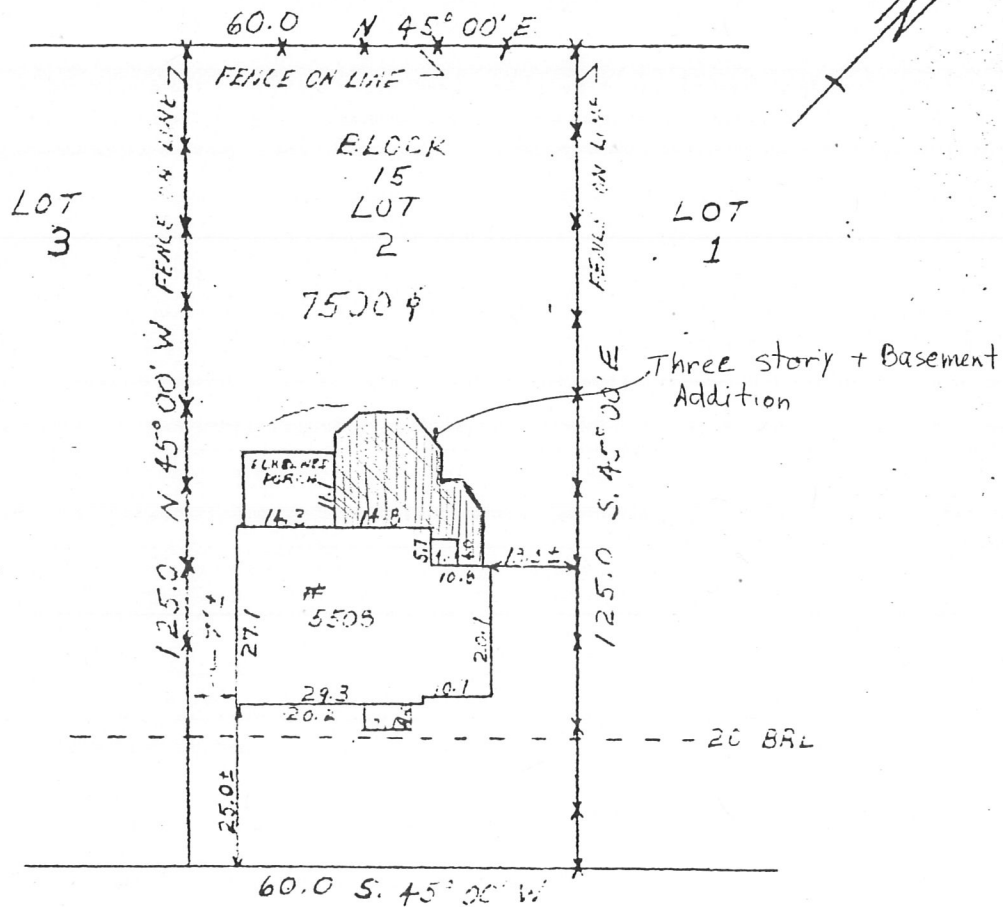
Registered Surveyor  
Md. Reg. #1690  
Va. Reg. # 441



Arthur Lee



5508 PARK ST.



5508 PARK STREET

HOUSE LOCATION  
LOT 2 BLOCK 15SECTION 1-A  
CHEVY CHASE

MONTGOMERY COUNTY, MARYLAND

RECORDED IN PLAT BOOK 4 PLAT 349 SCALE 1" = 30'

NOTE: This drawing is not intended to establish property lines nor are the existence of corner markers guaranteed. All information shown hereon taken from the land records of the county in which the property is located.

I hereby certify that the position of all the existing improvements on the above described property has been established by a transit tape measurement and that unless otherwise shown there are no encroachments.

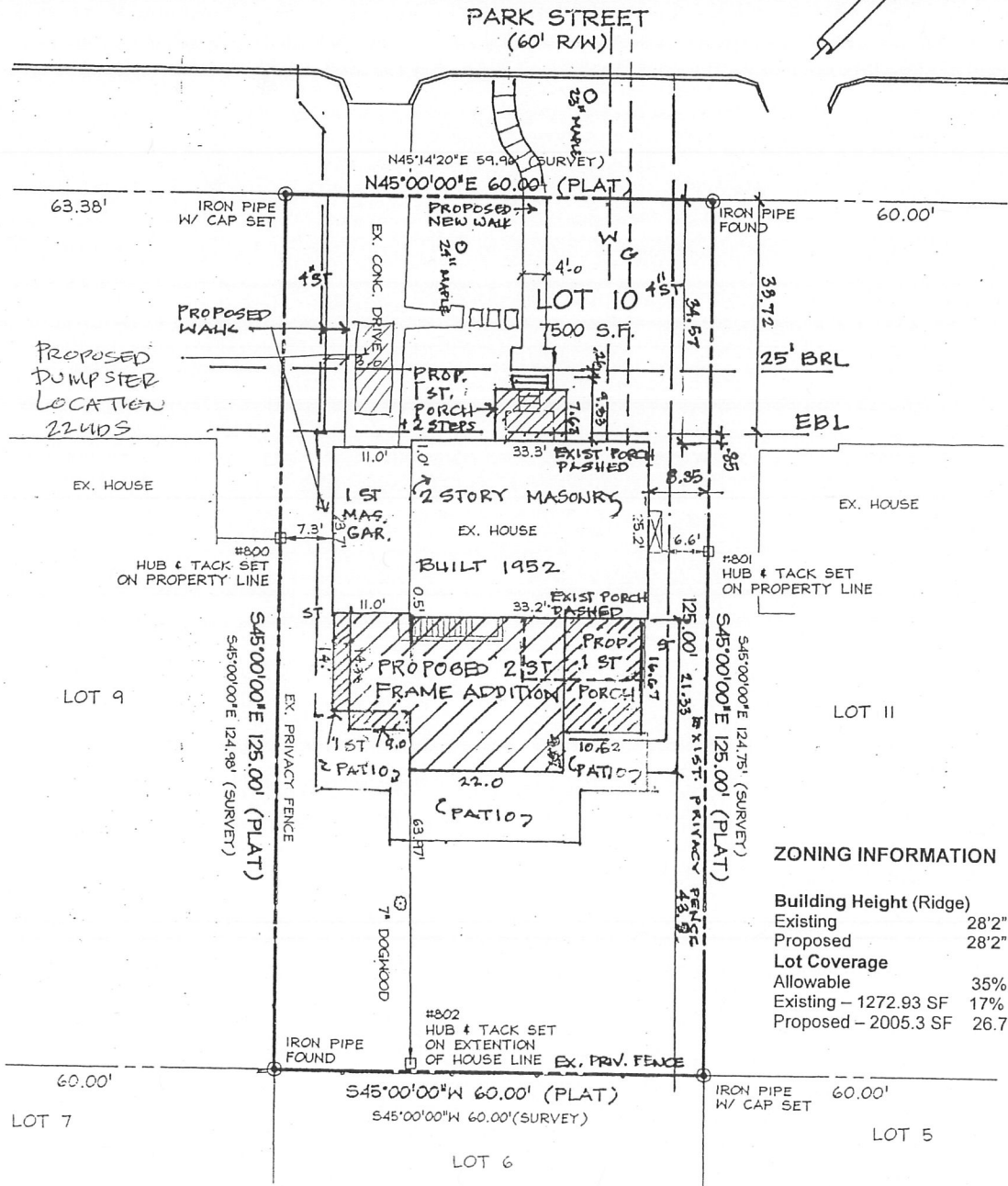
By

ELWOOD L. RENN  
Registered Land Surveyor  
Maryland No. 3383

Date JAN 6, 1970

# NOTE(S)

1) FLOOD ZONE "C" PER H.U.D. PANEL No. 240049 0175 C.



## ZONING INFORMATION

<b>Building Height (Ridge)</b>	
Existing	28'2"
Proposed	28'2"
<b>Lot Coverage</b>	
Allowable	35%
Existing - 1272.93 SF	17%
Proposed - 2005.3 SF	26.7%



**CAS ENGINEERING**

CIVIL • SURVEYING • LAND PLANNING  
A DIVISION OF CAS ENTERPRISES, INC.  
108 West Ridgeville Blvd. Mount Airy, MD. 21771  
DC Metro (301) 607-8031 FAX (301) 607-8045

DATE:	06/02/03	SCALE:	1" = 16'
PROJECT No.:	02-068	DRAWN BY:	JDR

Building Location Plat  
 Lot 14 Block 12  
 Section 1-A  
 CHEVY CHASE  
 Montgomery, County, Maryland

SECTION 1 & 2 FAMILY DWELLING  
 CODE AS AMENDED BY MONT. CO.

Scale: 1" = 20'

Surveyor's Certificate

We hereby certify that we have carefully examined the property shown on in accordance with record description; that all of the existing buildings have been located by a transit-tape survey; that lot corners have been set by this survey unless otherwise shown:

Frey, Sheehan, Stoker & Assoc., Inc.  
 Land Planning Consultants  
 Phone 588-3110

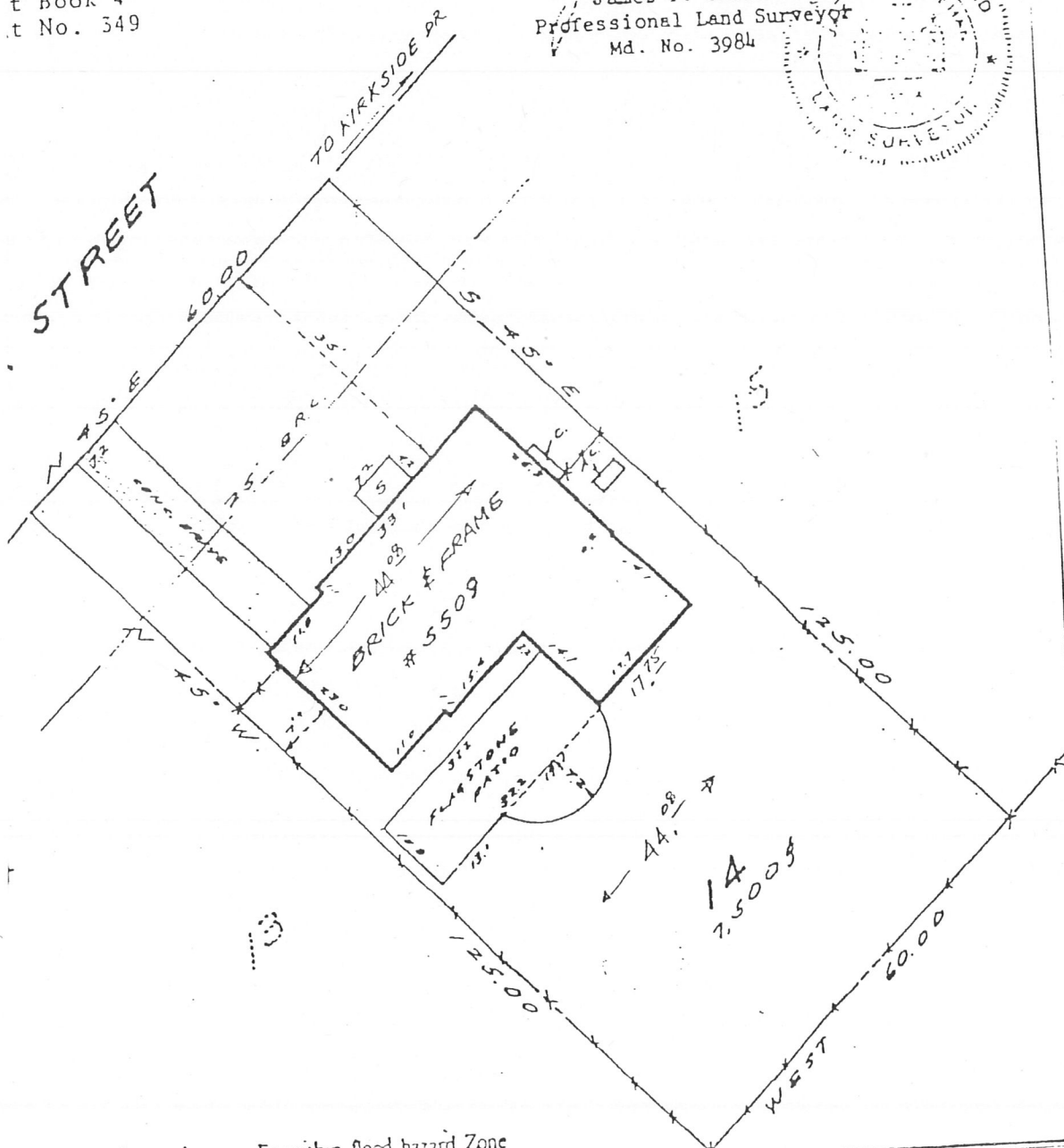
By: *James F. Sheehan*  
 James F. Sheehan  
 Professional Land Surveyor  
 Md. No. 3984



Dec. 28, 1984

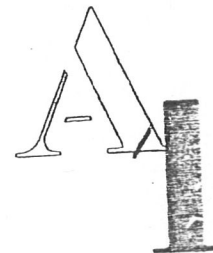
April 9, 1987

Book 4  
 No. 349



The lot hereon does not lie within flood hazard Zone A or Zone B as determined by Department of Housing and Urban Development, Federal Insurance Administration.

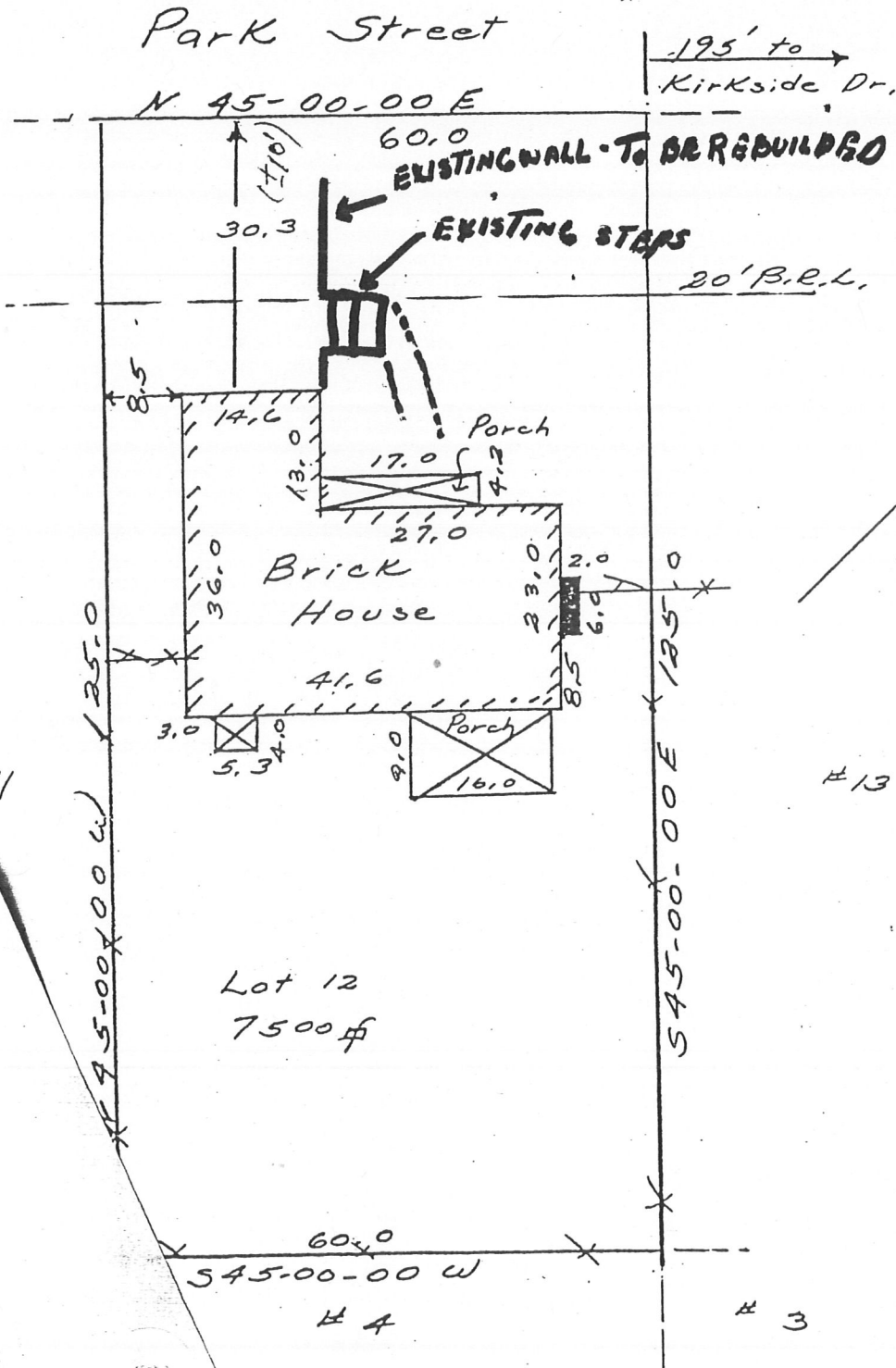
ARCH  
 FABRY ASSOCIATES  
 1777 CHURCH STREET, NW  
 WASHINGTON, DC 20036

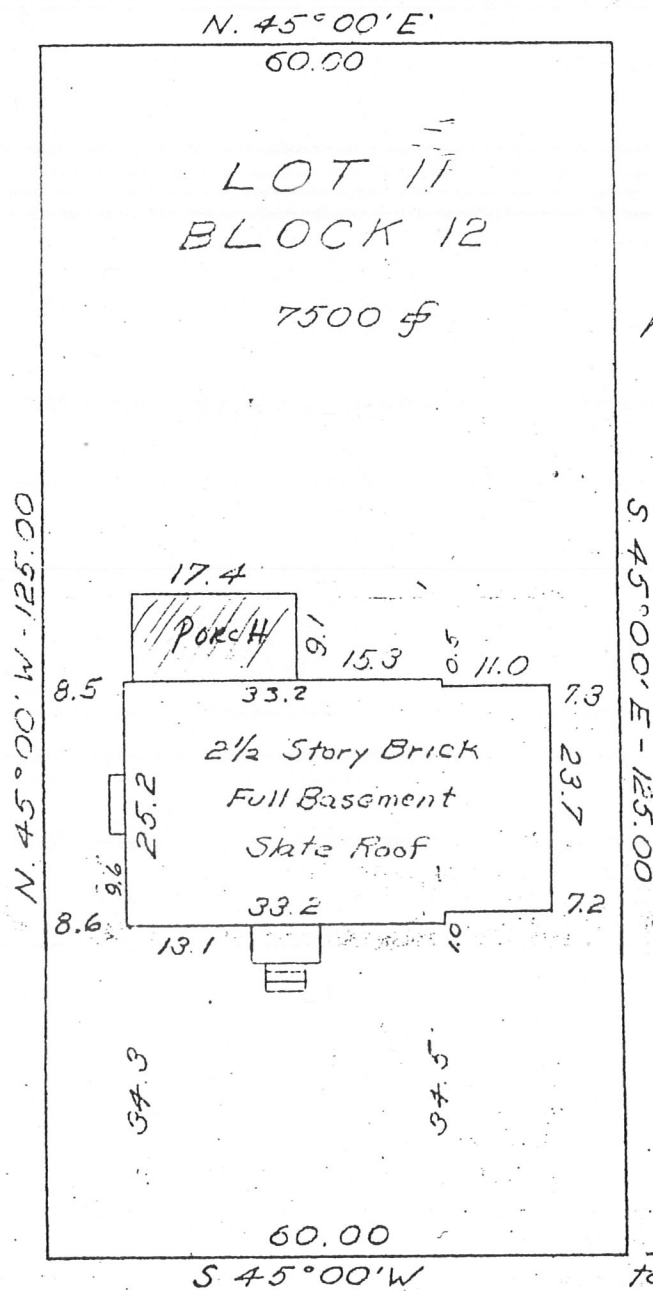




Stephen Wilson Jr.  
5513 Park St.

10.02





fund # 751

I hereby certify that the improvements on this lot are located as shown hereon and that there are no encroachments on said lot.

December 22, 1949

*Wm. D. George*

PLAT REFERENCE  
BOOK 4 PLAT 349  
One of the Land Records of  
MONTGOMERY County, Md.

LOT 11 BLOCK 12			
5515 PARK STREET			
CHEVY CHASE			
SECTION 1-A			
COMPUTED WHL	DRAWN WHL	CHECKED JLP	EXAMINED

SCALE  
1"=20'

SEYBOLT & GEORGE  
CIVIL ENGINEERS & LAND SURVEYORS  
8627 FENTON STREET  
SILVER SPRING, MD.

## Revised Submission Materials:

- Revised Application
- Revised Statement
- Revised Plan

## Chevy Chase Village Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property: <b>5501 PARK STREET</b>
Describe the Proposed Project: <b>MODIFICATIONS OF PREVIOUSLY SUBMITTED PLANS FOR 2 TREADS TO ENCROACH 1'-8" FORWARD OF THE FRONT B.E.L.</b>
Applicant Name(s) (List all property owners): <b>STEVE &amp; CHERIE SPRENGER</b>
Daytime telephone: <b>301.928.4695</b> Cell: <b>301.928.4692</b>
E-mail: <b>CHERIE.M.SPRENGER@GMAIL.COM</b>
Address (if different from property address):
For Village staff use: Date this form received: <b>12/5/12</b> Variance No: <b>A-6233 cont.</b>

### Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

### Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: \_\_\_\_\_

Date: **12/5/12**

Applicant's Signature: **Cherie M. Sprenger**

Date: **12/5/12**

## CCV Permitting

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**From:** Michael Bruckwick [mbruckwick@kbarchitecture.com]  
**Sent:** Wednesday, December 05, 2012 3:14 PM  
**To:** CCV Permitting  
**Cc:** ssprenger@sprengerlang.com; Cherie Sprenger  
**Subject:** Sprenger Front Steps proposed language

Ellen,

Below is our statement for the Sprenger front stair language:

Upon review of Village of Chevy Chase Plats for homes on the 5500 Block of Park Street, a number of the houses have front stoops and stairs that do not meet the Covenant setback requirements. In this block, there are 13 total homes that have front yards on Park Street, but two of those are corner lots that face Kirkside Drive and thus would not have front stairs or stoops on Park. Of the eleven remaining houses that are on Park (one of which is 5501), at least four (the Village does not have plats for 5504 and 5511) have both stoops/porches and steps that encroach forward of the 25'-0" building restriction line. Additionally, upon review, measurement and careful consideration of the existing grading in the front yard; **we are proposing eliminating one tread from the previous design and proposing a reduction to a 1'-8" encroachment for the steps only** into the front yard from the 2'-7" previously proposed.

Please let me know if this needs any further clarification for Monday's meeting.

Thank you,

Michael

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Michael P Bruckwick, AIA, LEED AP, NCARB  
Principal

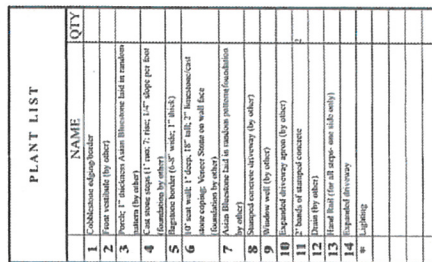
Katinas Bruckwick Architecture  
Canal Terrace - Georgetown Place  
1101 30th Street, Suite B100  
Washington DC 20007

301.652.8300 office  
240.790.0662 direct dial  
301.652.8306 fax

[www.KBArchitecture.com](http://www.KBArchitecture.com)

[MBruckwick@KBArchitecture.com](mailto:MBruckwick@KBArchitecture.com)





## Previous Application Materials

# Chevy Chase Village

## Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property: 5501 PARK ST.	
Describe the Proposed Project: CONSTRUCT NEW FRONT STEPS - SEE ATTACHED	
Applicant Name(s) (List all property owners): Cherie & Steve Sprenger	
Daytime telephone:	Cell: 301-928-4695
E-mail: Cheriemsprenger@gmail.com	
Address (if different from property address):	
For Village staff use:	
Date this form received: 10/22/12	Variance No: A-6233

### Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

### Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Cherie M. Sprenger Date: 10/22/12  
Applicant's Signature: Steve Sprenger Date: 10/22/12

**Describe the basis for the variance request (attach additional pages as needed).**

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

*In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.*

<b>Variance Filing Fee</b> <i>Per Village Code Sec. 6-2(a)(24):</i> <input type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ <b>Fee Paid:</b> <i>amended app.</i>	<b>Checks Payable To:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815  <b>Date Paid:</b> <i>12/15/12</i> <b>Staff Signature:</b> <i>[Signature]</i>
	<b>Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on:</b>  <b>Date:</b> _____  <b>Signature:</b> _____ <b>Village Manager</b>



8 November 2012

Chevy Chase Village  
5906 Connecticut Ave.  
Chevy Chase, Maryland 20815

**Re: Sprenger Residence**  
**Cherie & Steve Sprenger**  
**5501 Park Street**  
**Chevy Chase, Maryland 20815**

Regarding the proposed driveway expansion project, and the new front walk and stair project on the Sprenger's property at 5501 Park Street, we ask that the board allow the proposed works based on the following grounds.

*Driveway Project:*

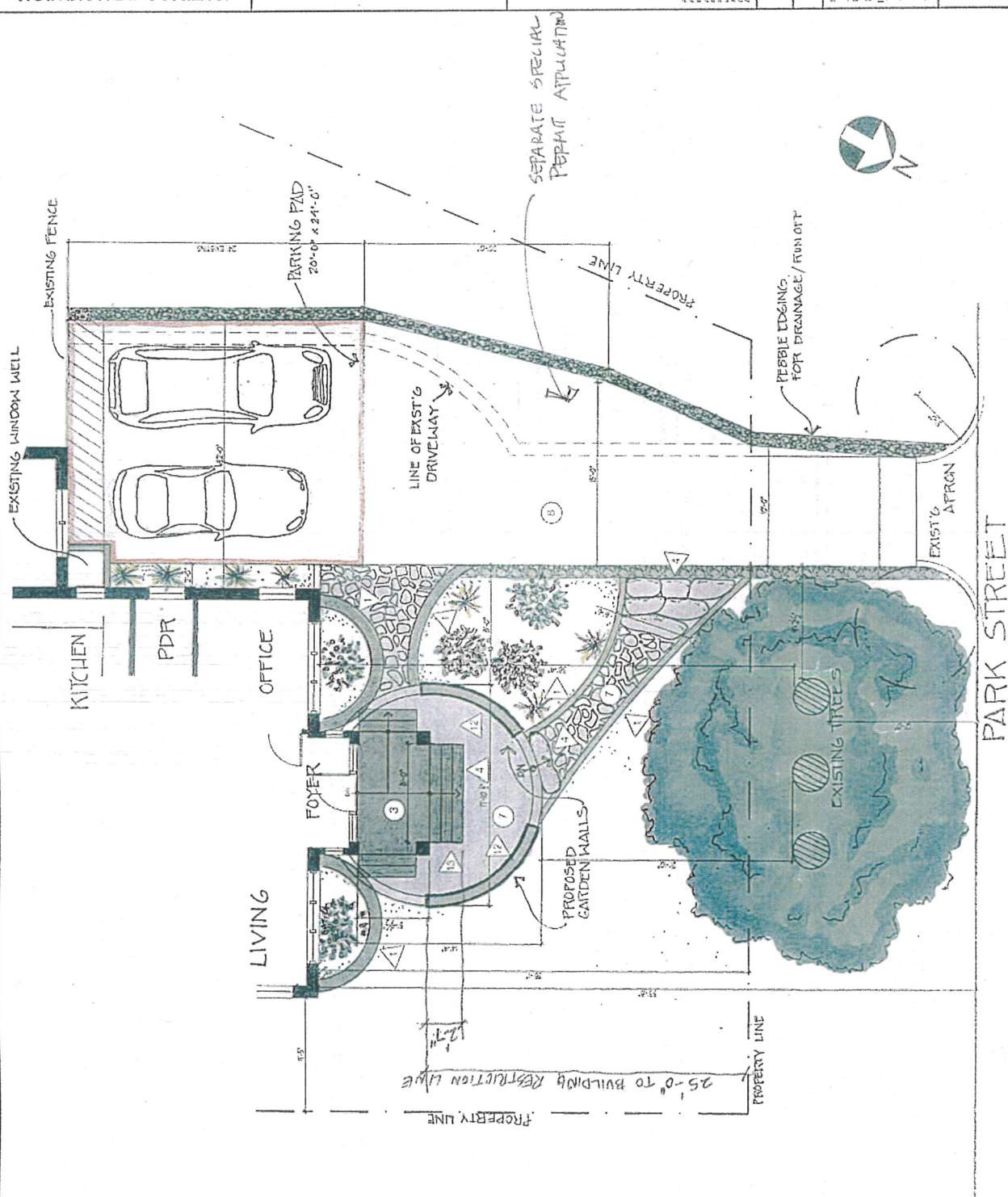
The driveway project grew from safety concerns due to the existing slope of the front yard down and into the street, and the change in grade of the existing driveway. The driveway is currently too narrow to allow one car to pull out while the other is parked without slipping off the driveway or into the other car. The existing driveway includes an 18ft. x 24ft. parking pad beginning 1ft 7in. from the house, which connects to Park Street on the side of the lot facing Belmont Avenue. We intend to shift the parking pad 5in. to increase the permeable surface between the house and driveway. There would be an additional 2ft. added to the width of the parking pad on the Belmont Avenue side to more comfortably allow two cars. As there is no garage in the back yard, or the possibility thereof, this new 20ft x 24ft. area will serve the family's two vehicles and have a much smaller overall impervious area than a typical garage in the rear layout. The connecting driveway will then taper to 15ft in width over a 20ft. length, and then continue to taper into the existing apron, as outlined by the example in the Village building permit application for driveways at grade. This allows for a gradual narrowing of the driveway, and creates sufficient room to safely maneuver one of the vehicles past the other to the street.

*Front Yard Landscaping Project:*

Front facing stairs are a traditional component of a front porch entry, and prevalent throughout the area; we feel that this feature is necessary to the design. With the recent small addition to the home, the foyer was extended 3ft to allow a total foyer depth of 7ft. This leaves a depth of 6ft. for the open front porch, which now sits at the edge of the building line. These are shallow dimensions for a foyer depth and front porch design. We believe it is reasonable to allow three stairs with a rise of 21in. total to extend over the building line. The new stairs and front walkway would connect the front porch toward the front of the house at the street, allowing for a recognizable walking entry to the house from the street, and have low-height garden walls. New planters would flank the front porch, and diminutive side stairs allow for balance and movement directly to the parking pad. A large planting between the driveway and entry will provide permeable surfaces edging the hardscapes, and lush landscaping to accentuate the formal entry. The large, existing trees will remain, to be enjoyed from the new front walk that will arch from the front porch area.

VARIANCE CASE A-6233



[illegible]

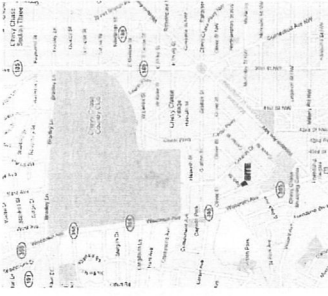
### Site Plan Proposed for Variance Request (depicts steps to front and both sides)



DATE: April 2012

THOMAS A. MADDOX  
PROFESSIONAL LAND SURVEYOR  
8933 SHADY GROVE COURT  
GAITHERSBURG, MD 20877  
(301) 984-5804 OR (301) 330-0612

**SITE PLAN**  
**SECTION 1-A, CHEVY CHASE**  
**LOT 9, BLOCK 12**  
**#5501 PARK STREET, CHEVY CHASE MARYLAND 20815**  
**Election District No. 7**  
**Montgomery County, Maryland**



**PREPARED FOR:**  
**Steven & Charlie Springer**  
5501 Park Street  
Chevy Chase, MD 20815  
(301) 656-8242

LEGEND

- EDSPINKA DOWNGROUTS
- NEW DOWNGROUTS

NOTE: NEW DOWNGROUTS TO BE TIED INTO EXISTING UNDER GROUND SICKWATER AND CAUTIONNET SYSTEM



**NOTE:**  
SOURCE OF TWO-FOOT CONTOUR INTERVAL TOPOGRAPHY:  
THOMAS A. MADDOX  
8833 SHADY GROVE COURT  
GAITHERSBURG, MD 20877 (SEPTEMBER 2009)  
301-984-5804

**NOTES:**

1. ZONING - R-40
2. FOOTPRINT AREA OF PROPOSED ADDITION = 44 S.F.  
TOTAL FOOTPRINT OF FINAL CONSTRUCTION = 1864 S.F.  
LOT COVERAGE = 19%.
3. AVERAGE FRONT ELEVATION = 231.7  
MAXIMUM ALLOWED ROOF ELEVATION = 383.7
4. TOTAL AREA OF PROPERTY = 11228 S.F.
5. LOT SHOWN ON PLAT 346, RECORDED MARCH 1927.

**Site Plan Approved for Permit #6161**  
**(depicts steps to the side only)**



County, Maryland (a corporation duly organized under and by virtue of the laws of the State of Maryland,) party of the first part, and Buford C. Eastham of the State of Maryland party of the second part:

Witnesseth, that the said party of the first part, for and in consideration of the sum of Thirty-five Thousand (\$35,000.00) Dollars to it paid by the said party of the second part, and of the covenants and agreements of the said party of the second part as hereinafter set forth, does hereby grant and convey unto the said party of the second part, in fee simple, the following described land and premises, with the improvements easements, and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely:

Lots Numbered Nine (9) Ten (10) Eleven (11) Twelve (12) Thirteen (13) Fourteen (14) and Fifteen (15) in Block numbered Twelve (12) and Lots numbered One (1) Two (2) Three (3) Four (4) Five (5) Six (6) Seven (7) Eight (8) Nine (9) Ten (10) Eleven (11) Twelve (12) Thirteen (13) and Fourteen (14) in Block numbered fifteen (15) in the subdivision known as "Section One-A, Chevy Chase," as per plat of said subdivision recorded in Plat Book, No. 4, at Folio 344, one of the Land Records of Montgomery County, Maryland. Subject to a 25 foot building restriction line shown on said recorded plat.

It is hereby expressly understood and agreed by and between the parties hereto, their respective successors, heirs, personal representatives and assigns, that the general plan of subdivision of which the land and premises hereby conveyed in a part, more or less only and is limited to the area contained in and covered by the subdivision known as "Section One-A, Chevy Chase," Montgomery County, Maryland, and further that no covenant, restriction or condition whether or not herein contained shall apply to, charge or effect lots in Blocks 6 and 11 of the said subdivision, and that no objection will be raised to the rezoning of said Blocks 6 and 11, for commercial purposes.

It is hereby understood and agreed that no building shall be erected on the land hereby conveyed unless and until the plans of the elevations, the design and color scheme thereof as well as the location of said building on said land shall be first approved in writing by The Chevy Chase Land Company of Montgomery County, Maryland, or its successors.

In evidence of his acceptance of the foregoing and following covenants and restrictions, for himself, his heirs and assigns, the said party hereto of the second part has hereunto set his hand and seal.

To have and to hold the said land and premises, with the improvements, easements and appurtenances, unto and to the use of the said party of the second part, in fee simple,

In consideration of the execution of this deed, the said party of the second part, for himself, his heirs and assigns, hereby covenants and agrees with the party of the first part, its successors and assigns, (such covenants and agreements to run with the land), as follows, viz:

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively except stables, carriage-houses, sheds, or other out buildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or business of any kind shall be carried on or permitted upon said premises.
2. That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage house, shed, or outbuilding shall be erected except on the rear of said premises.

In case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a corner lot.

than Seventy-five Hundred (\$7,500.00) Dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10) ten feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title mediately or immediately from said Company to any lot or square, or part of a lot or square in the Section of the Subdivision of which the land hereby conveyed forms a part.)

and the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

In testimony whereof, on the day and year first hereinbefore written, the said The Chevy Chase Land Company, of Montgomery County, Maryland has caused these presents to be signed with its corporate name by Edward L. Hillyer, its President attested by Willard G. McGraw, its Secretary, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint Willard G. McGraw its true and lawful Attorney-in-fact for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment, and to deliver the same as such.

Attest:

Willard G. McGraw  
Secretary

The Chevy Chase Land Co.  
of Montgomery Co.  
Maryland

The Chevy Chase Land Company of  
Montgomery County, Maryland,

By: Edward L. Hillyer  
President

Burford G. Eastman

(Internal Revenue \$38.50)

(State Tax \$35.00)

District of Columbia, to wit:

I, Frank I. Greenwalt a Notary public in and for the said District of Columbia, do hereby certify that on this 14th day of August, 1945, William G. McGraw who is personally well-known to me to be the person named as Attorney-in-fact in the foregoing and annexed Deed, dated the 14th day of August, 1945, to acknowledge the same, personally appeared before me in the said District of Columbia, and as Attorney-in-fact as aforesaid, and by virtue of the power and authority in him vested by the aforesaid Deed, acknowledged the same to be the act and deed of the said The Chevy Chase Land Company, of Montgomery County, Maryland, and delivered the same as such.

Given under my hand and seal this 14th day of August, A. D. 1945.

Frank I. Greenwalt  
Notary Public  
District of  
Columbia

Frank I. Greenwalt  
Notary Public, D. C.